



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

DIVISION OF ECONOMIC JUSTICE
ANTITRUST BUREAU

July 11, 2011

FILED/ACCEPTED

JUL 13 2011

Federal Communications Commission
Office of the Secretary

Sharon Gillett
Chief, Wireline Competition Bureau
Rick Kaplan
Chief, Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

RE: WT Docket No. 11-65, Confidentiality of NRUF / LNP Data

Dear Ms. Gillett and Mr. Kaplan,

The New York State Office of the Attorney General is working with a multistate group and the United States Department of Justice to investigate the proposed acquisition of T-Mobile U.S.A., Inc. by AT&T Inc. In connection with that investigation, the New York State Office of the Attorney General plans to seek access to materials filed with the Federal Communications Commission ("FCC") that contain or incorporate Numbering Resource Utilization and Forecast ("NRUF") data and local number portability ("LNP") data provided by telecommunications carriers. This letter sets forth the confidentiality protections that the New York State Office of the Attorney General will accord to NRUF and LNP data and any filings that contain such data that are obtained in connection with its investigation of the proposed transaction.

The New York State Office of the Attorney General ("Office of the Attorney General") will use NRUF and LNP data, and any materials containing such data, only for legitimate law enforcement purposes and will keep such data confidential under the authority provided to the Attorney General under N.Y. General Business Law § 343. The Office of the Attorney General will not disclose such data unless such disclosure is required by law or is reasonably required to further a legitimate law enforcement purpose. Should the Office of the Attorney General disclose any NRUF / LNP data, or confidential information that is based on that data, in a court filing or otherwise, the Office of the Attorney General will notify the affected parties as soon as is reasonably practicable, seek to file such information under seal, and make reasonable efforts to limit the disclosure of the information until the affected parties have had an opportunity to appear before the court and the court has ruled on any request by the affected party or parties.

Furthermore, if a request is made under New York's Freedom of Information Law, N.Y. Public Officers Law §§ 84-90 ("FOIL"), for the disclosure of NRUF / LNP data, or information based on such data, the Office of the Attorney General will assert any exemptions it deems applicable and use its best efforts to provide concerned parties with notice prior to the release of any such data or information. If NRUF data, LNP data and/or confidential information based on that data become the subject of discovery in any litigation to which the State of New York or (any unit thereof) is a party, the Office of the Attorney General will use its best efforts to ensure that a protective order is entered and will make reasonable efforts to avoid providing the requested data or information until all concerned parties have had an opportunity to review and comment on the protective order and to apply to the court for further protection.

Please do not hesitate to contact me if you have any questions about this matter or need further information.

Very truly yours,



Geralyn J. Trujillo
Assistant Attorney General /
Acting Deputy Bureau Chief
Antitrust Bureau

cc (via email): David Kerwin, Assistant Attorney General, Washington State Office of the Attorney General
William Shieber, Assistant Attorney General, Texas Office of the Attorney General



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL

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Ms. Sharon Gillett
Chief, Wireline Competition Bureau
Mr. Rick Kaplan
Chief, Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

RE: Applications of AT&T, Inc. and Deutsche Telekom AG for Consent to Transfer Control of Licenses and Authorizations Held by T-Mobile USA, Inc. and Its Subsidiaries (WT Docket No. 11-65) -Assurance of Confidentiality

Dear Ms. Gillett and Mr. Kaplan:

This Office seeks to review Numbering Resource Utilization and Forecast Reports ("NRUF") data related to WT Docket No. 11-65. By this letter, this Office assures the Federal Communications Commission ("FCC") that this Office will keep the NRUF data confidential under Pennsylvania law.

Specifically, pursuant to 71 P.S. § 307-3 (b) governing the method under which we have requested the NRUF data, this Office may not disclose the NRUF data without the consent of the person who produced such material or unless ordered by a court for good cause shown.

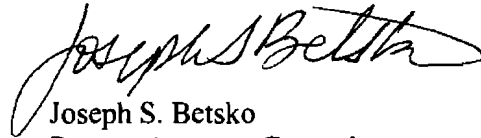
Moreover, the NRUF data is protected from disclosure through a state "FOIA"-type request. To the extent the production of NRUF data is exempt under federal law, the production is by definition not a public record; thus, not subject to disclosure under the

Ms. Sharon Gillett
Mr. Rick Kaplan
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Pennsylvania Right-to-Know Law. 65 P.S. §§ 67.102, 67.305 (a) (3) and 67.306. Moreover, investigative materials, notes, correspondence and reports are exempted from disclosure, as well as any disclosure which would reveal the institution, progress or result of an investigation. 65 P.S. § 67.708 (b) (17) (ii) and (vi) (A). This exemption applies to both active and completed cases. Amro v. Office of Attorney General, 783 A.2d 897, 901 (Pa. Commw. 2001).

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Joseph S. Betsko", written in a cursive style.

Joseph S. Betsko
Deputy Attorney General

JSB/lkl/gillett/kaplan1115